

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

UNITED STATES OF AMERICA,

Plaintiff,

v.

Def 1) Leonardo GOMEZ-Cardoso,
Def 2) Eduardo PEREZ-Valencia,

Defendant(s)

Magistrate Case No.

08 AUG 29 AM 10: 03

CLERK, U.S. DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIACOMPLAINT FOR VIOLATION OF:ce
DEPUTY

Title 8 U.S.C., Sec. 1324 (a)(1)(A)(ii)
Transportation of Illegal
Aliens

'08 MJ 2663

The undersigned complainant, being duly sworn, states:

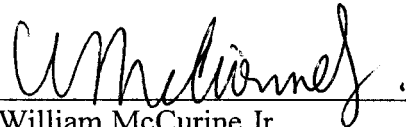
On or about **August 27, 2008**, within the Southern District of California, defendants **Leonardo GOMEZ-Cardoso** and **Eduardo PEREZ-Valencia** with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, **Sabino RODRIGUEZ-Rangel**, **Erasmus NEGRETE-Andrade**, and **Jose Arturo ZAMORO-Gallegos** had come to, entered and remained in the United States in violation of law, did transport and move, said aliens within the United States in furtherance of such violation of law; in violation of Title 8, United States Code, Section 1324(a)(1)(A)(ii).

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


SIGNATURE OF COMPLAINANT

James Trombley
Senior Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 29TH DAY OF AUGUST,
2008


William McCurine Jr.
UNITED STATES MAGISTRATE JUDGE

DOA 08/27/08 ce

ce

Leonardo GOMEZ-Cardoso
Eduardo PEREZ-Valencia

PROBABLE CAUSE STATEMENT

Furthermore, the complainant states that **Sabino RODRIGUEZ-Rangel**, **Erasmio NEGRETE-Andrade**, and **Jose Arturo ZAMORO-Gallegos** are citizens of a country other than the United States; that said aliens have admitted that they are deportable; that their testimony is material, that it is impracticable to secure their attendance at the trial by subpoena; and they are material witnesses in relation to this criminal charge and should be held or admitted to bail pursuant to Title 18, United States Code, Section 3144.

On Wednesday August 27, 2008, Agents assigned to the U.S. Border Patrol's San Diego Sector Smuggling Interdiction Group (SIG) were operating in the Brown Field Station's area of responsibility. SIG Agents operate in a plain-clothes capacity and utilize bureau issued un-marked vehicles. At approximately 6:30a.m., agents received information that a seismic intrusion device activated Northwest of the Tecate, California Port of Entry. Agents S. Lubin, E. Penagos, and M. Leal took positions along Japatul Valley Road and Lyons Valley Road.

At approximately 9:50a.m., Agent Leal observed a white colored, Ford Econoline Van with a utility rack on top traveling southbound on Japatul Valley Road from Interstate 8. Agent Leal also observed that only the driver visible and that the driver appeared to be a younger, heavy-set, Hispanic male.

Approximately twenty-five minutes later, Agent Leal observed the same van travel northbound on Japatul Valley Road back toward Interstate 8. The van now had a front seat passenger visible, and it appeared to have a very heavy cargo as evidenced by the back of the van riding very close to the road surface, and having a slow steady bounce. Believing this was possible alien smuggling load Agent Leal pulled in behind the van in order to initiate surveillance. The van traveled under the Interstate 8 overpass and turned left onto the entrance ramp of Interstate 8 westbound. As the van was turning onto the entrance ramp, Agent Leal observed that the entire van leaned significantly into the turn, further indicating a very heavy load. Agent Leal followed the van and relayed his information via radio to other agents in the area.

Upon approaching the Alpine Boulevard overpass, Agent Leal and the van passed a black colored, older model Honda Accord parked on the side of the highway. The Honda immediately merged onto the freeway, passed Agent Leal's vehicle then maneuvered his car between the van and Agent Leal. As the Honda passed, Agent Leal made eye contact with the driver, a tall, thin, Hispanic male with a thin beard who was using a cell phone. Traffic conditions were light, and the van would change lanes for no apparent reason with the Honda following very close behind and matching the van's every maneuver as if to counter any surveillance from law enforcement.

Believing the vehicles were involved in alien smuggling Agent Leal decided to conduct an immigration inspection on the occupants of the vehicle. At approximately 10:26 A.M. with assistance from a marked Border Patrol unit a vehicle stop on the van was initiated. The vehicle yielded on Interstate 8 near Fletcher Parkway. The Honda fled.

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CONTINUATION OF COMPLAINT:**Leonardo GOMEZ-Cardoso****Eduardo PEREZ-Valencia**

Uniformed Agents Lamboy, and Fearnough as well as SIG Agent Leal approached the van and identified themselves as United States Border Patrol Agents to the driver, defendant **Leonardo GOMEZ-Cardoso**. An immigration check revealed that GOMEZ was a United States citizen. The front seat passenger, defendant **Eduardo PEREZ-Valencia** admitted to being a citizen and national of Mexico, illegally present in the United States. The van had a dividing wall with a wire mesh window separating the front seats and the cargo area. As agents made contact with the front seat passenger they could see movement in the back of the van through the wire mesh window. Agent Fearnough opened the backdoors of the van which revealed numerous people inside. The initial count was eighteen individuals in the cargo area, but agents could not get an accurate count because numerous people were lying on top of each other.

Due to the fact that the van had stopped on the outside shoulder of Interstate 8 and commuter traffic was heavy, for safety reasons, Agent Leal made a blanket immigration inquiry to all occupants in the back of the van if they were illegally present in the United States. All individuals that were visible either nodded or stated "Si", yes.

At approximately 10:28a.m., Agent Leal placed the driver, defendant **Leonardo GOMEZ-Cardoso** under arrest for suspicion of alien smuggling. Twenty-four illegal aliens from Mexico were removed from the cargo area of the van. All were taken into custody and transported to the U.S. Border Patrol's Chula Vista Station for processing.

STATEMENT OF DEFENDANT LEONARDO GOMEZ-CARDOSO:

The defendant was advised of his rights as per the Miranda Warning. The defendant understood his rights and agreed to be interviewed without representation. The defendant stated that he is a United States citizen.

GOMEZ stated that he was at a park near 40th street in San Diego, California when he was approached by two Mexican male subjects. After a brief conversation, they offered him a job transporting illegal aliens into the United States for \$100.00 US Dollars per person smuggled. GOMEZ reluctantly agreed to pick up the illegal aliens since he had recently lost his job at Little Ceasar's Pizza as a cook. "Paco" gave him keys to a van and told him to drive east on the Interstate 8 and exit at the Japatul off ramp. There he was to drive for approximately one and a half miles down Japatul Road to an uninhabited location and whistle. "Paco" would be waiting for him with a group of ten illegal aliens.

When GOMEZ arrived at the designated location, "Paco" waved him down. GOMEZ stopped and the group loaded into the van. While the group was loading, GOMEZ noticed that the group was a lot bigger than originally planned. "Paco" entered into the front seat passenger side and told GOMEZ to drive.


GOMEZ explained that he noticed a black Honda following them and it appeared that "Paco" was in constant communication with the Honda. He also noticed that after a short while of driving, another vehicle was following closely behind. GOMEZ told "Paco" about the vehicle. "Paco" told him not to worry about it because the driver of the Honda was going to lose him. "Paco" then told GOMEZ to speed up but GOMEZ did not comply with "Paco's" command. A short while later he was pulled over by a Border Patrol vehicle. GOMEZ stated that he was told to drive the vehicle to the same park where they had made the prior arrangements and "Paco" would pay him and take over driving the van.

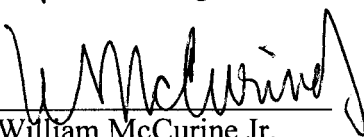
CONTINUATION OF COMPLAINT:**Leonardo GOMEZ-Cardoso****Eduardo PEREZ-Valencia****STATEMENT OF MATERIAL WITNESSES:**

Material witnesses Sabino RODRIGUEZ-Rangel, Erasmo NEGRETE-Andrade, and Jose Arturo ZAMORA-Gallegos admit in summary to the following; that they are citizens and nationals of Mexico illegally present in the United States. They stated arrangements were made in order for them to be smuggled into the United States for different amounts. RODRIGUEZ was to pay \$1700.00 US to be smuggled to Chicago, Illinois. NEGRETE was to pay \$1800.00 US to be smuggled to Los Angeles, California and ZAMORA was to pay \$1800.00 US to be smuggled to Houston, Texas.

They all stated that they were transported to Tecate, Baja California on the morning of August 27, 2008. At Tecate they met with two foot guides at an unknown location near the United States/Mexico International Boundary. From that location the foot-guides led them into the United States. One guide was in the lead and the other kept the group together. They eventually arrived at the side of a road where they sat and waited. After approximately twenty minutes a white colored van arrived. The foot-guide that had kept the group together, instructed the group to get inside, that foot guide then got into the van on the front passenger side, and the foot-guide that lead the group remained at the load up spot. They were very uncomfortable and cramped inside the van.

Through a photographic line-up RODRIGUEZ and ZAMORA identified defendant **Eduardo PEREZ-Valencia** as the foot guide who kept the group together and got into the front passenger seat.



James Trombley
Senior Patrol Agent

William McCurine Jr.
U.S. Magistrate Judge

8/29/08
Date